GOVERNMENT OF ANDHRA PRADESH
ABBSTRACT

Public Services – Revenue Department – Allegation of Corruption against Sri G.J.V.Prabhakara Rao, Mandal Revenue Officer, Karampudi Mandal, Guntur District– Trapped on 12-04-2002 - Placed on his defence before the Tribunal for Disciplinary Proceedings – Inquiry Report of the TDP in TEC No.145 / 2003 – Charge proved – Communicated to the Delinquent Officer – Representation – Penalty of withholding entire pension and Gratuity in full permanently – Imposed – Orders –Issued.

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REVENUE (VIGILANCE.III.2) DEPARTMENT

G.O.RT.No. 660 **Dated: 11-06-2019**

Read the following:-

1) From the D.G., A.C.B., Lr.No.76/RCT-VGT/2002, dt.26.09.2002.
2) Government Memo No.29864/Vig.II(1)/02-2, dt.17.12.2002.
3) From the Secretary T.D.P., Dis.No.S/39/2007, dt.25.10.2007along with the Inquiry Report, dt:22.10.2007 in TEC No.145/2003.
4) Government Memo No.51420/Vig.II(1)/2007, dt.18.03.2008.
5) From Sri G.J.V.Prabhakara Rao, formerly M.R.O. (Retd.),Karampudi Mandal, explanation dt.26.04.08.
6) Govt. Memo No.51420/Vig. II(1)/2007, Dt: 16.11.2012.
7) From Sri G.J.V. Prabhakar Rao, MRO (Retired), representation, dt: 28.3.2013.
8) G.O Rt.No.1199, Rev (Vig.II) Dept., Dated.30.07.2013.
9) Orders of the Hon'ble APAT, dated 18.10.2017 in O.A.No.3938/2014.
10) The Hon'ble High Court order, dated.12.10.2018in W.P.No.27469 of 2018.
11) Smt G.Ramadevi, W/o Late G.J.V.Prabhakar Rao, MRO (Retd), and another Representation, dated.12.11.2018.
12) Letter.No.REV- 18023/50/2018-VIG III – REV, Dated:08.04.2019.
13) From the Secretary, APPSC, Letter No.325/DC&C/2019, Dated.14.05.2019.

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ORDER:

In the reference 1st read above, the Director General, Anti-Corruption Bureau, has reported that Sri G.J.V.Prabhakar Rao, while working as Tahsildar, Karampudi Mandal, Guntur District was trapped by the Anti-Corruption Bureau authorities on 12.04.2002 at his residence, when he demanded and accepted bribe of Rs.1000/- from the complainant Sri Vunnam Mallaiah, S/o. Ramaiah, R/o.Petasanigandla Village, Karampudi Mandal, Guntur District for showing official favour i.e., for issue of permission certificate to sell rice of the complainant at Ryot Bazaar, Guntur; and recommended to place the Accused Officer on his defence before Tribunal for Disciplinary Proceedings.

2. Accordingly, Government have placed the Accused Officer Sri G.J.V.Prabhakar Rao, Mandal Revenue Officer, on his defence before the Tribunal for Disciplinary Proceedings to enquire into the allegation of corruption and report, vide reference 2nd read above.

3. In the reference 3rd read above, the Tribunal for Disciplinary Proceedings, after conducting enquiry, furnished report in TEC No.145/2003 against Sri G.J.V.Prabhakar Rao, Mandal Revenue Officer; wherein the Tribunal for Disciplinary Proceedings has held that the charge is proved. In the reference 4th read above, a copy of the enquiry report in TEC No.145 of 2003 was communicated to Sri G.J.V. Prabhakara Rao, Mandal Revenue Officer, with a direction to submit his representation on the finding of Tribunal for Disciplinary Proceedings, if any. In the reference 5th read above, Sri G.J.V.Prabhakar Rao, Mandal Revenue Officer submitted his representation and prayed to drop the charge.

4. Government have examined the representation of the individual keeping in view the report of Tribunal for Disciplinary Proceedings and taken a provisional decision to impose the punishment of withholding of entire pension and gratuity permanently on Sri G.J.V.Prabhakar Rao, Mandal Revenue Officer (Retired). Accordingly, in the reference 6th read above, a show-cause notice was issued to the individual directing him to submit his representation on the

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above provisional decision. In the reference 7th read above, Sri G.J.V. Prabhakar Rao, Mandal Revenue Officer (Retired) has submitted his representation and requested to drop further action against him on humanitarian grounds, as such he did not commit any irregularity and he retired from service on attaining the age of superannuation on 31.7.2008.

5. Government have examined the contentions of the individual and decided to confirm the provisional decision to impose the punishment of withholding entire pension and gratuity in full permanently on Sri G.J.V. Prabhakara Rao, Mandal Revenue Officer (Retired) as he has not put-forth any new grounds in his representation. Accordingly, Government, in exercise of the powers conferred under rule 9 of Andhra Pradesh Revised Pension Rules, 1980 and as per Rule 7 of Andhra Pradesh Civil Services (Disciplinary Proceedings Tribunal) Rules, 1989, have imposed the penalty of withholding of entire pension and gratuity permanently on Sri G.J.V. Prabhakar Rao, former Mandal Revenue Officer, Karampudi Mandal, Guntur District (Retired) for the corruption charge held proved, vide reference 8th read above.

6. Aggrieved by the orders issued in the G.O. 8th read above, Sri G.J.V.Prabhakar Rao, Mandal Revenue Officer (Retired) has filed O.A.No.3938/2014 with a prayer to set aside the orders issued in G.O.Rt.No.1199, Revenue (Vig.II) Department, dated.30.07.2013 withholding entire pension and Gratuity in full permanently. The Hon'ble Andhra Pradesh Administrative Tribunal, in its orders dated 18.10.2017, dismissed the O.A. and opined that concurrence of the Andhra Pradesh Public Service Commission is not required for passing the impugned order by the Government. Thus, the applicant fails on all points.

7. Aggrieved, Smt G.Ramadevi, W/o. Late G.J.V.Prabhakara Rao, Retired Tahsildar and Sri G.Joseph Anil Kumar, S/o. Late G.J.V.Prabhakara Rao, Retired Tahsildar have filed W.P.No.27469/2018.

8. The Hon'ble High Court, in its order dated.12.10.2018 in W.P.No.27469 of 2018 has made the following order:

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> Merely because the Tribunal for Disciplinary Proceedings is presided over by a Judicial Officer, it would not have the effect of converting the proceedings before the said Tribunal into judicial proceedings. The said Tribunal is constituted only for conducting an enquiry into the charges framed against an employee. It can therefore only submit an enquiry report with regard to its fact findings on the charges framed against a delinquent employee and no further. The proceedings of such Tribunal cannot therefore be likened to judicial proceedings within the meaning of the proviso to Rule 9(1) of the Rules of 1980.
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> As it is an admitted fact that the final order embodied in G.O.Rt.No.1199, dated 30.07.2013 was issued by the Government without consulting the Andhra Pradesh Public Service Commission in terms of the proviso to Rule 9(1) of the Rules of 1980, the said final order cannot be sustained. The Tribunal, unfortunately, did not take note of this aspect and dismissed the O.A.
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> The writ petition is accordingly allowed setting aside the order dated 18.10.2017 passed by the Tribunal in O.A.No.3938 of 2014 and also G.O.Rt.No.1199 dated 30.07.2013. This order shall however not preclude the authorities from passing orders afresh, if warranted, in accordance with the due procedure. It is made clear that we have not gone into the merits of the matter and all issues are left open."

9. Smt G.Ramadevi, W/o Late G.J.V.Prabhakar Rao, Mandal Revenue Officer (Retired), and his son in their representation 11th read above, while enclosing the above orders of the Hon'ble High Court have requested the Government to take lenient view and all further proceedings and consequently direct release of benefits due to late Sri G.J.V. Prabhakar Rao, Mandal Revenue Officer of Karampudi Mandal, Guntur District.

10. Government, after careful examination of the matter keeping in view of the orders of the Hon'ble High Court in the reference 10th read above, have decided to confirm the earlier punishment of withholding entire pension and Gratuity in full permanently against Late G.J.V.Prabhakar Rao, Mandal Revenue Officer (Retired), for the charge held proved against

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him. Accordingly, Government hereby order to impose a penalty of withholding entire pension and Gratuity in full permanently against Late G.J.V.Prabhakar Rao, Mandal Revenue Officer (Retired) under Rule 9 of Andhra Pradesh Revised pension Rules, 1980. The Andhra Pradesh Public Service Commission have also agreed the above punishment.

11. The Chief Commissioner of Land Administration, Andhra Pradesh, Vijayawada shall take necessary action accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

MANMOHAN SINGH
SPECIAL CHIEF SECRETARY TO GOVERNMENT

To
The Chief Commissioner of Land Administration, Andhra Pradesh, Vijayawada.
Smt G.Ramadevi, W/o. Late G.J.V.Prabhakara Rao, Retired Tahsildar and Sri G.Joseph Anil Kumar, S/o. Late G.J.V.Prabhakara Rao, Retired Tahsildar (through the District Collector, Guntur)
Copy to :
The District Collector, Guntur.
The Andhra Pradesh Public Service Commission, Vijayawada.
The file

//FORWARDED :: BY ORDER//

SECTION OFFICER